

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,  
Petitioner,

V.

JOHN E. WETZEL, Secretary,  
Pennsylvania Department of Corrections;  
ROBERT GILMORE, Superintendent of  
the State Correctional Institution at Greene;  
and MARK GARMAN, Superintendent of  
the State Correctional Institution at  
Rockview,  
Respondents.

No. 1:17-CV-1969

(Chief Judge Conner)

# THIS IS A CAPITAL CASE

## STATEMENT OF CONCURRENCE/NON-CONCURRENCE

AND NOW comes Charles Ray Hicks, through counsel, and, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the Middle District of Pennsylvania, respectfully certifies that counsel contacted District Attorney E. David Christine, counsel for Respondents, via electronic mail on January 31, 2019, seeking concurrence in this motion. Counsel has not yet responded. Once counsel does, Petitioner will file an amended concurrence statement.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

Asst. Federal Public Defender

Federal Public Defender for the  
Middle District of Pennsylvania

Capital Habeas Unit

100 Chestnut Street, Suite 300

Harrisburg, PA 17101

(717) 782-3843

([kelly\\_miller@fd.org](mailto:kelly_miller@fd.org))

Dated: February 1, 2019

**CERTIFICATE OF SERVICE**

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

**VIA FIRST-CLASS MAIL**

E. David Christine, Jr.  
District Attorney  
Monroe County District Attorney's Office  
610 Monroe Street, Suite 126  
Stroudsburg, PA 18360  
dchristine@monroecountypa.gov

/s/ KELLY D. MILLER  
KELLY D. MILLER, ESQUIRE  
Asst. Federal Public Defender  
PA Bar #307889  
100 Chestnut Street, Suite 300  
Harrisburg, PA 17101  
Tel: 717-782-3843  
Fax: 717-782-3966  
[kelly\\_miller@fd.org](mailto:kelly_miller@fd.org)

Dated: February 1, 2019